

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

CHAPTER 7
BKY CASE NO. 04-44551-RJK

Jeffrey Allan Braverman and
Sara Braverman,

**NOTICE OF HEARING AND MOTION
FOR TURNOVER OF PROPERTY**

Debtor(s).

TO: THE UNITED STATES BANKRUPTCY COURT, THE UNITED STATES TRUSTEE, THE DEBTOR, AND THE DEBTOR'S ATTORNEY.

1. Julia A. Christians, Chapter 7 Trustee herein, moves the Court for the relief requested below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on November 3, 2004, at 9:30 a.m., in Courtroom No. 8, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 or as soon thereafter as counsel can be heard. Under applicable rules, any objection must be in writing, be delivered to the Trustee and the United States Trustee, and be filed with the clerk, not later than October 29, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than October 25, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **If no response is timely served and filed, the Court may grant the relief requested without a hearing.**

3. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 6072-1 and this proceeding arises under 11 U.S.C. §542(a). Movant requests an order directing Debtors to turn over any 2003 income tax or property tax refunds to the extent not paid before the filing, 62% of any 2004 income tax and property tax refunds, \$150.00 as and for the amount by which the listed value of the 1997 Honda CRV exceeds the exemption limit; \$5.00 as and for non-exempt computer equipment; \$500.00 as and for non-exempt wedding rings and miscellaneous jewelry; \$50 as and for non-exempt golf clubs; \$100.00 as and for non-exempt snowblower; \$350.00 as and for non-exempt piano; copies of statements for all depository accounts showing the balances as of the date of filing funds; and, all funds on deposit as of August 16, 2004. The petition commencing this case as a Chapter 7 case was filed on August 16, 2004. This case is now pending in this Court.

4. The Trustee demanded turnover of the above documents and property. However, Debtors have failed to respond. Therefore, the Trustee requests an order directing Debtors to comply with turnover of the afore-said documents and property.

Dated: October 18, 2004

By /e/ Julia A. Christians
Julia A. Christians, Trustee
One Financial Plaza, #2500
120 South Sixth Street
Minneapolis, MN 55402
612/ 338-5815

VERIFICATION

I, Julia A. Christians, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on October 18, 2004

/e/ Julia A. Christians
Julia A. Christians

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:) Chapter 7
) Case No. 04-44551-RJK
Jeffrey Allan Braverman and)
Sara Braverman,)
)
Debtors.)

UNSWORN CERTIFICATE OF SERVICE

I, Sarah L. Fortin, declare under penalty of perjury that on October 18, 2004, I mailed copies of the attached **Notice Of Hearing And Motion For Turnover Of Property; and proposed Order** by first class mail postage prepaid to each entity named below at the address stated below for each entity:

Office of the United States Trustee
1015 U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

Jeffrey Allan Braverman
Sara Braverman
4297 Cottonwood Lane N
Plymouth, MN 55441

Michael K. Hoverson
333 Washington Avenue N
Suite 308
Minneapolis, MN 55401

Executed on: October 18, 2004

/s/ Sarah L. Fortin
Sarah L. Fortin, Legal Secretary
Lapp, Libra, Thomson, Stoeber &
Pusch, Chartered
120 South Sixth Street, Suite 2500
Minneapolis, MN 55402
612/338-5815

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

CHAPTER 7
BKY CASE NO. 04-44551-RJK

Jeffrey Allan Braverman and
Sara Braverman,

ORDER

Debtor(s).

This matter came on for hearing before the undersigned Bankruptcy Judge on the 3rd day of November, 2004, at 9:30 a.m., on the Motion of Julia A. Christians, Chapter 7 Trustee, for turnover of property of the above-named debtor.

Upon the Motion of the Trustee, arguments of counsel, and the documents of record herein, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED:

That Debtors turn over to the Trustee within 7 days of the date of this order any 2003 income tax or property tax refunds to the extent not paid before the filing; 1997 Honda CRV, computer equipment, wedding rings and miscellaneous jewelry, golf clubs, snowblower and piano or \$1,155.00 as and for the value of said items of non-exempt personal property; copies of statements for all depositary accounts showing the balances as of the date of filing; all funds on deposit as of August 16, 2004; and, upon issuance, 62% of any 2004 income tax and property tax refunds.

Dated: _____

The Honorable Robert J. Kressel
United States Bankruptcy Judge